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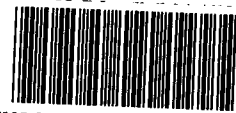
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VIRGINIA:

IN THE CIRCUIT COURT OF HANOVER COUNTY

COMMONWEALTH OF VIRGINIA, ex rel.,
STATE WATER CONTROL BOARD,



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Plaintiff,

v.

Chancery
No. _____

LIQUID WASTE DISPOSAL, INC.

Serve: Eugene T. Rilee, Jr., Registered Agent
207 Doverland Road
Richmond, Virginia 23229
(Henrico County),

and

G. C. KIRKMYER, JR.
Secretary-Treasurer of
← Liquid Waste Disposal, Inc.
P. O. Box 29832
Richmond, Virginia 23229

Defendants.

BILL OF COMPLAINT

The Commonwealth, at the relation of the State Water Control Board, by its attorney, the Attorney General of Virginia, brings this action seeking injunctive relief and civil penalties of the defendants for violations of a certificate and a special order issued by the State Water Control Board. The Commonwealth alleges the following:

1. The State Water Control Board (hereinafter "Board") is an agency of the Commonwealth of Virginia and is charged with the authority and duty to exercise general supervision and control over the quality of all State waters.

2. Defendant Liquid Waste Disposal, Inc. (hereinafter "Liquid Waste"), is and has been at all times relevant to this action the owner and operator of an establishment on Richfood Road in Hanover County, Virginia, where it is engaged in the business of incinerating liquid wastes.

3. Defendant G. C. Kirkmyer, Jr. (hereinafter "Kirkmyer") is the secretary-treasurer of Liquid Waste Disposal, Inc., and is also an owner of the Richfood Road establishment, pursuant to §§ 62.1-44.23 and 62.1-44.31.

4. On October 26, 1979 the Board issued Industrial Waste No-Discharge Certificate No. IW-ND-1168 to Liquid Waste and Kirkmyer. The certificate required, inter alia, that Liquid Waste seal and secure its site to prevent contamination of groundwater and to prevent contaminated runoff from the site from entering State surface waters. A copy of the certificate is attached hereto as Exhibit "A".

5. On September 24, 1980, subsequent to violations of the certificate by Liquid Waste, the Board issued a special order to Liquid Waste pursuant to § 62.1-44.15(8) of the Code. The special order required Liquid Waste to comply with the certificate, upon a schedule contained in the order, or in the alternative to notify the Board of its intent to close its Hanover County site and, in that event, to comply with a schedule for reclamation of the site, that schedule also being contained in the order. A copy of the special order is attached hereto as Exhibit "B".

6. The defendants continue in violation of the certificate, and Liquid Waste is in violation of the order, having submitted neither set of plans ~~contemplated~~ ^{RED VILLED} by the order.

7. Section 62.1-44.23 of the Code provides, in pertinent part, as follows:

Any owner violating or failing, neglecting or refusing to obey any...order...or requirement of or any provision of any certificate issued by the Board...may be compelled in a proceeding instituted in any appropriate court by the Board to obey same and to comply therewith by injunction....

8. Section 62.1-44.32(a) of the Code provides, in pertinent part, as follows:

Any owner who violates any provision of this chapter, or who fails, neglects or refuses to comply with any special final order of the Board...shall be subject to a civil penalty not to exceed \$10,000 for each violation within the discretion of the court. Each day of violation shall constitute a separate offense.

9. Section 62.1-44.31 of the Code provides, in pertinent part, as follows:

It shall be unlawful for any owner...to discharge sewage, industrial waste, or other waste in violation of any condition contained in a certificate issued by the Board or in excess of the waste covered by such certificate, or to fail or refuse to furnish information, plans, specifications or other data reasonably necessary and pertinent required by the Board under this chapter.

WHEREFORE, the Commonwealth respectfully prays that:

A. The Court issue a temporary injunction, enjoining and restraining the defendants from violating the order and certificate;

B. The Court issue a permanent injunction, enjoining and restraining the defendants from violating the order and the certificate;

C. The defendant corporation be placed in receivership; and

D. The Court enter judgment against Liquid Waste and Kirkmyer in the amount of \$10,000 per violation.

COMMONWEALTH OF VIRGINIA, ex rel.,
STATE WATER CONTROL BOARD

By _____
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SERVICE ACCEPTED:

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G. C. Kirkwood
Lynn, Jr.